THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 14701 of 2006

Oral order:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Girijan Co-operative Corporation Limited, Visakhapatnam.

Assailing the proceedings in Rc. No. 856/2006/IA.2, dated 17.06.2006, passed by the 2nd respondent, namely Vice-Chairman and Managing Director, Girijan Co-operative Corporation Limited, Visakhapatnam, instructing the General Manager (Finance), CHO, Visakhapatnam, to recover the inadmissible deficit of Gum Karaya to an extent of Rs.50,305-45 ps., from the salary of the petitioner at the rate of Rs.2,000/- every month, the petitioner filed the present writ petition.

It is submitted by the learned counsel for the petitioner and admitted to by the learned Standing Counsel for the respondents that the 2nd respondent has passed the impugned order in violation of the principles of natural justice, in that, no notice was issued to the petitioner before passing the impugned order calling upon the petitioner to explain as to why the inadmissible deficit amounts should not be recovered from him.

Since the 2nd respondent passed the impugned order in violation of the principles of natural justice, the same cannot be sustained, and it is accordingly set aside. This order, however, does not preclude the respondents from issuing show cause notice to the petitioner, along with the details of inadmissible deficits, and calling upon him to explain as to why the inadmissible deficit amounts should

not be recovered, and pass appropriate orders after considering his explanation.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J.

Date: 18th July, 2006.
KSR